

EXHIBIT K

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT : CIVIL NO.
OPPORTUNITY COMMISSION:
AND :
KATHY C. KOCH :
INTERVENOR/PLAINTIFF:
V :
L.A. WEIGHT LOSS :
CENTERS, INC. :
DEFENDANT : WDQ-02-CV-648

- - -
APRIL 1, 2005
- - -

ORAL DEPOSITION OF CHRISTIANE
BURNARD, TAKEN PURSUANT TO NOTICE, WAS
HELD AT THE LAW OFFICES OF THE EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION, THE
BOURSE BUILDING, 4TH FLOOR, PHILADELPHIA,
PA, BEGINNING AT 10:00 A.M., ON THE ABOVE
DATE, BEFORE NANCY D. RONAYNE, A
PROFESSIONAL COURT REPORTER AND NOTARY
PUBLIC IN THE COMMONWEALTH OF
PENNSYLVANIA.

- - -
ESQUIRE DEPOSITION SERVICES
15TH FLOOR
1880 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PENNSYLVANIA 19103
(215) 988-9191

CHRISTIANE BURNARD

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1 WAS RESPONSE TO WHAT YOU ASKED.

2 MR. PHILLIPS: WELL, I THINK

3 IT WAS BUT WE'LL TRY IT AGAIN.

4 MR. LANDAU: YES.

5 BY MR. PHILLIPS:

6 Q. ARE YOU AWARE THAT LA WEIGHT
7 LOSS HAS HAD A POLICY CONCERNING
8 RETENTION OF APPLICANT RECORDS?

9 A. OH, YES.

10 Q. HOW DID YOU BECOME AWARE OF
11 THAT POLICY?

12 A. WELL IT'S JUST OUR
13 PROCEDURE, THAT'S WHAT WE DO.

14 Q. WAS IT EVER GIVEN TO YOU IN
15 WRITING?

16 A. NO, I DON'T BELIEVE SO. IT
17 MAY HAVE BEEN BUT I DON'T RECALL.

18 Q. SO IF YOU DON'T RECALL THEN
19 OBVIOUSLY YOU DON'T KNOW WHETHER YOU HAVE
20 SUCH MATERIAL RIGHT NOW?

21 A. AS FAR AS NOT ON MY PERSON,
22 EVERYTHING THAT WE HAVE REGARDING AN
23 APPLICANT IS SENT INTO OUR HUMAN
24 RESOURCES, OUR CORPORATE OFFICE.

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1 Q. WHAT ABOUT SOME SORT OF
2 POLICY STATEMENT REGARDING THE KEEPING OF
3 THOSE RECORDS?

4 A. I DON'T KNOW IF I HAVE THAT
5 ON A PIECE OF PAPER, I KNOW THAT IT IS
6 OUR COMPANY POLICY.

7 Q. IS IT YOUR CUSTOM OR
8 PRACTICE TO KEEP THOSE KINDS OF RECORD AT
9 YOUR HOME OFFICE?

10 MR. LANDAU: OBJECTION,
11 WHICH KIND OF RECORDS?

12 MR. PHILLIPS: SPECIFICALLY
13 POLICY STATEMENTS REGARDING THE
14 RECORD KEEPING?

15 THE WITNESS: NO.

16 BY MR. PHILLIPS:

17 Q. HAVE YOU EVER GIVEN
18 TESTIMONY WHILE AN EMPLOYEE OF LA WEIGHT
19 LOSS CONCERNING LA WEIGHT LOSS?

20 A. I HAD AN UNEMPLOYMENT
21 HEARING ONCE.

22 Q. UNEMPLOYMENT HEARING?

23 A. YES.

24 Q. DO YOU RECALL WHO, WHICH

1 EMPLOYEE THAT WAS PERTAINING TO?

2 A. GEORGE REITZ.

3 Q. GEORGE REITZ. WHO IS MR.

4 REITZ AT LA WEIGHT LOSS?

5 A. HE WAS AN AREA SUPERVISOR.

6 Q. AREA SUPERVISOR. WHAT YEARS
7 DID HE SERVE, YEAR OR YEARS DID HE SERVE?

8 A. IT MAY HAVE BEEN, IT WAS
9 BEFORE MY CHICAGO MARKET OPENED SO I'D

10 HAVE TO SAY ROUGHLY THE YEAR 2002 TO
11 2003, SOMEWHERE IN THAT RANGE, I'M NOT
12 FOR CERTAIN.

13 Q. DO YOU RECALL WHAT MARKET HE
14 WAS AN AREA SUPERVISOR IN?

15 A. CENTRAL ILLINOIS.

16 Q. CENTRAL ILLINOIS. SO THIS
17 WAS A STATE UNEMPLOYMENT COMPENSATION
18 HEARING?

19 A. YES. IT WAS JUST VIA
20 TELEPHONE?

21 Q. DO YOU KNOW IF MR. REITZ WAS
22 HIRED FROM OUTSIDE THE COMPANY TO BE AN
23 AREA SUPERVISOR OR WAS HE —

24 A. YES, HE WAS. I'M SORRY.

Page 17

1 Q. — OR WAS HE HIRED FROM THE
2 OUTSIDE?

3 A. YES.

4 Q. DO YOU KNOW WHO HIRED HIM?

5 A. KIM MARSELLA.

6 Q. MS. MARSELLA'S MARKET IS
7 ST. LOUIS, CORRECT?

8 A. ST. LOUIS AND CENTRAL.

9 Q. AND CENTRAL ILLINOIS?

10 A. YES.

11 Q. DID YOU HAVE ANY
12 PARTICIPATION IN HIRING MR. REITZ?

13 A. YES.

14 Q. WHAT WAS THE NATURE OF YOUR
15 PARTICIPATION?

16 A. I DID HIS SECOND INTERVIEW
17 AND GAVE THE GO AHEAD TO HIRE HIM.

18 Q. DID MR. REITZ RESIGN OR WAS
19 HE DISCHARGED?

20 A. HE RESIGNED.

21 Q. DID HE TELL YOU WHY HE WAS
22 RESIGNING?

23 A. HE WAS UNDER THE IMPRESSION
24 THAT HE WAS GOING TO BE A REGIONAL

5 (Pages 14 to 17)

CHRISTIANE BURNARD

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1 STATEMENT?
 2 A. I HAVE -- I HAVE RECORDED
 3 PERHAPS A SITUATION IN A CENTER, PERHAPS
 4 A SITUATION WITH AN EMPLOYEE AND MY
 5 RECOLLECTION OF THE ACCOUNT, WHAT
 6 HAPPENED.
 7 Q. ANY REGARDING HIRING?
 8 A. NOT REGARDING HIRING, NO.
 9 Q. ANY REGARDING MALE
 10 EMPLOYEES?
 11 A. REGARDING HIRING OR
 12 TERMINATION OR?
 13 Q. REGARDING ANY SUBJECT
 14 PERTAINING TO A MALE EMPLOYEE AT LA
 15 WEIGHT LOSS?
 16 A. PERHAPS ON A TERMINATION.
 17 Q. DO YOU RECALL ANY SPECIFIC
 18 ONES?
 19 A. NO. I DO THAT WITH
 20 EVERYONE.
 21 Q. WE'VE ALREADY ESTABLISHED
 22 THAT YOU STARTED WORKING AT LA WEIGHT
 23 LOSS NOVEMBER 19, 1997, WHAT WAS YOUR
 24 FIRST POSITION AT LA WEIGHT LOSS?

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1 A. SALES COUNSELOR.
 2 Q. WHICH CENTER?
 3 A. BINGHAMTON, NEW YORK.
 4 Q. HOW LONG WERE YOU A SALES
 5 COUNSELOR AT BINGHAMTON, NEW YORK?
 6 A. APPROXIMATELY NINE MONTHS.
 7 Q. IS IT CORRECT TO SAY THAT AS
 8 A SALES COUNSELOR YOU HAD NO
 9 PARTICIPATION IN THE HIRING PROCESS?
 10 A. CORRECT.
 11 Q. WHAT WAS YOUR NEXT POSITION?
 12 A. CENTER MANAGER.
 13 Q. WHICH CENTER?
 14 A. ELMIRA, NEW YORK.
 15 Q. WHEN WAS THAT?
 16 A. APPROXIMATELY JULY OF '98.
 17 Q. HOW LONG WERE YOUR CENTER
 18 MANAGER AT ELMIRA?
 19 A. ABOUT A YEAR AND A HALF.
 20 Q. WHILE YOU WERE A CENTER
 21 MANAGER AT ELMIRA DID YOU HAVE ANY ROLE
 22 IN THE HIRING PROCESS?
 23 A. VERY MINOR.
 24 Q. WHAT WAS THAT ROLE?

Page 32

1 A. I WOULD DO PRIMARY
 2 INTERVIEWS IF MY AREA SUPERVISOR WAS NOT
 3 AVAILABLE TO DO IT.
 4 Q. DID YOU HAVE THE SAME AREA
 5 SUPERVISOR THE ENTIRE TIME YOU WERE A
 6 CENTER MANAGER AT ELMIRA?
 7 A. YES, I DID.
 8 Q. WHO WAS THAT AREA
 9 SUPERVISOR?
 10 A. HILDI ROGERS.
 11 Q. DO YOU RECALL HOW MANY TIMES
 12 YOU CONDUCTED INTERVIEWS WHILE YOU WERE A
 13 CENTER MANAGER?
 14 A. A FEW, MAYBE THREE, MAYBE
 15 FOUR.
 16 Q. DO YOU RECALL IF ANY OF
 17 THOSE CANDIDATES WERE MALES?
 18 A. I DON'T BELIEVE SO.
 19 Q. WERE THESE CANDIDATES FOR
 20 THE ELMIRA CENTER OR WERE THESE
 21 CANDIDATES FOR OTHER CENTERS AS WELL?
 22 A. FOR ELMIRA.
 23 Q. SO YOU CONDUCTED THE FIRST
 24 INTERVIEW?

Page 33

1 A. RIGHT.
 2 Q. DID YOU HAVE ANY OTHER
 3 PARTICIPATION IN THE PROCESS OTHER THAN
 4 CONDUCTING THE FIRST INTERVIEW WHILE YOU
 5 WERE CENTER MANAGER AT ELMIRA?
 6 A. I DON'T BELIEVE SO.
 7 Q. ONCE YOU CONDUCTED THE
 8 INTERVIEW WHAT WOULD YOU DO?
 9 A. I WOULD CALL MY SUPERVISOR
 10 AND LET HER KNOW IF I LIKED THE PERSON OR
 11 DIDN'T LIKE THEM.
 12 Q. DO YOU KNOW WHAT WOULD
 13 HAPPEN NEXT?
 14 A. IF I LIKED THE PERSON AND
 15 SHE WOULD ASK ME QUESTIONS ON WHY I LIKED
 16 THE PERSON THEN MY SUPERVISOR WOULD
 17 EITHER DO A SECOND INTERVIEW WHEN SHE
 18 CAME TO TOWN OR SHE WOULD OFFER THE
 19 POSITION.
 20 Q. DO YOU KNOW THIS FROM
 21 DISCUSSION WITH MS. ROGERS, THAT THAT'S
 22 WHAT WOULD HAPPEN NEXT?
 23 A. WELL, YES, BECAUSE THEN THE
 24 PERSON WOULD APPEAR IN MY CENTER AS A

9 (Pages 30 to 33)

CHRISTIANE BURNARD

Page 42

1 Q. DO YOU KNOW WHAT HER
2 POSITION WAS AT THE TIME?
3 A. SHE WAS A TRAINER.
4 Q. DO YOU KNOW IF SHE'S STILL
5 WITH THE COMPANY?
6 A. NO, SHE'S NOT.
7 Q. DO YOU KNOW ANYTHING ABOUT
8 THE CIRCUMSTANCES OF HER DEPARTURE FROM
9 THE COMPANY?
10 A. SHE HAD BREAST CANCER.
11 Q. AFTER BEING A CENTER MANAGER
12 IN ELMIRA WHAT WAS YOUR NEXT POSITION?
13 A. I WAS PROMOTED TO AREA
14 SUPERVISOR OF ALBANY, NEW YORK.
15 Q. WHAT CENTERS DID THAT
16 INCLUDE?
17 A. WELL, I WAS OPENING THE
18 CENTERS SO THERE'S A LAG TIME IN BETWEEN
19 WHERE I DID A LOT OF TRAINING AND
20 TRAVELING. BUT THE CENTERS, THE FIRST
21 THREE TO OPEN WERE ALBANY, SCHENECTADY
22 AND CLIFTON PARK. THEN TO FOLLOW TROY,
23 NEW YORK AND PITSFIELD, MASSACHUSETTS.
24 Q. CAN YOU TELL ME WHAT TIME

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1 FRAME ELAPSED FROM THE OPENING OF ALBANY,
2 SCHENECTADY AND CLIFTON TO THE OPENING OF
3 TROY AND PITSFIELD?
4 A. YES, I THINK I CAN GIVE YOU
5 AN APPROXIMATE. WE OPENED THE FIRST
6 THREE IN THE WEEK OF MEMORIAL DAY 2000,
7 AND THEN TROY OPENED THAT JULY AND
8 PITSFIELD OPENED IN SEPTEMBER ALL OF
9 2000.
10 Q. WHEN WERE YOU PROMOTED TO
11 AREA SUPERVISOR?
12 A. THE BEGINNING OF THE YEAR,
13 JANUARY.
14 Q. 2000?
15 A. 2000.
16 Q. DO YOU KNOW WHO MADE THAT
17 DECISION TO PROMOTE YOU?
18 A. VAHAN KARIAN.
19 Q. DO YOU KNOW WHY HE WAS
20 INVOLVED IN MAKING THAT DECISION?
21 A. BECAUSE IT WAS A NEW MARKET,
22 IT WAS A BRAND NEW MARKET AND IT WAS
23 RIGHT AT THE BEGINNING OF OUR EXPANSION,
24 AND I WAS GOING TO BE MOVING TO THIS NEW

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1 CITY.
2 Q. DO YOU KNOW IF ANYONE ELSE
3 WAS INVOLVED IN THAT DECISION?
4 A. ELAINE BUSSOLETTI.
5 Q. DO YOU KNOW WHAT THE NATURE
6 OF HER INVOLVEMENT WAS?
7 A. THEY BOTH INTERVIEWED ME.
8 Q. THE SUBJECT OF HIRING
9 PRACTICES COME UP IN ANY OF THOSE
10 INTERVIEWS?
11 A. I DON'T BELIEVE SO.
12 Q. HOW LONG WERE YOU AREA
13 SUPERVISOR IN ALBANY?
14 A. I WAS -- I WAS PROMOTED TO
15 THE POSITION IN JANUARY OF 2000 AND THEN
16 I BELIEVE I WAS PROMOTED TO THE REGIONAL
17 IN OCTOBER OR NOVEMBER OF THAT SAME YEAR.
18 Q. AS THE AREA SUPERVISOR WERE
19 YOU INVOLVED IN THE HIRING PROCESS?
20 A. YES.
21 Q. WHAT WAS THE NATURE OF THAT
22 INVOLVEMENT?
23 A. I -- EVERYTHING THAT I DID
24 AS FAR AS HIRING?

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1 Q. YES.
2 A. I WOULD GET THE LEADS OFF OF
3 MY LEAD LINE, I WOULD PHONE SCREEN THEM,
4 AND THEN BASED ON HOW MANY OR WHOEVER
5 APPLIED WE WOULD SCREEN THEM. I WOULD
6 SCREEN THEM OR MY REGIONAL MANAGER WOULD
7 SCREEN THEM AND THEN INVITE THEM IN FOR
8 INTERVIEWS.
9 Q. AND THEN YOU WOULD CONDUCT
10 THE INTERVIEW?
11 A. YES.
12 Q. DID YOU MAKE THE DECISION
13 WHETHER TO HIRE THE PERSON?
14 A. MYSELF AND MY REGIONAL
15 MANAGER.
16 Q. DID YOU HAVE THE SAME
17 REGIONAL THE ENTIRE TIME THAT YOU WERE
18 AREA SUPERVISOR?
19 A. YES.
20 Q. WHO WAS IT FIRST?
21 A. LIZA TYGART.
22 Q. FOR WHAT POSITIONS DID YOU
23 DO HIRING?
24 A. COUNSELOR, ASSISTANT MANAGER

12 (Pages 42 to 45)

CHRISTIANE BURNARD

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1 OPENING, I WANT TO FILL THAT OPENING,
 2 IT'S FOR A COUNSELOR JOB, HOW DO I KNOW
 3 WHETHER OR NOT I HAVE TO CONSULT WITH YOU
 4 OR INVOLVE YOU IN THE PROCESS?
 5 A. IT'S MOSTLY WE HAVE
 6 DAY-TO-DAY CONVERSATIONS AND I WOULD SAY
 7 HOW ARE YOUR INTERVIEWS TODAY; GREAT, I
 8 FOUND A COUPLE REALLY GOOD PEOPLE I'D
 9 LIKE TO MAKE AN OFFER. OKAY. OR IF IT
 10 WAS ONE I'M NOT REALLY SURE COULD YOU DO
 11 A PHONE SCREEN OR WHEN WILL YOU BE IN
 12 TOWN.
 13 Q. WERE THE AREA SUPERVISORS
 14 REQUIRED TO CHECK WITH YOU BEFORE THEY
 15 MADE A DECISION TO HIRE A COUNSELOR?
 16 A. I DON'T KNOW IF REQUIRED, I
 17 DON'T KNOW IF IT WAS REQUIRED. WOULD
 18 SOMEONE BE IN TROUBLE IF THEY MADE AN
 19 OFFER WITHOUT MY PERMISSION, NO.
 20 Q. DO YOU KNOW OF ANY INSTANCES
 21 WHERE THAT HAPPENED?
 22 A. NO.
 23 Q. HOW WOULD YOU CHARACTERIZE
 24 THE FREQUENCY OF YOUR INTERACTIONS WITH

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1 YOUR AREA SUPERVISORS ABOUT THEIR HIRING
 2 ACTIVITIES?
 3 A. WELL, WE'RE IN CONSTANT
 4 COMMUNICATION. AREA SUPERVISOR AND
 5 REGIONALS SPEAK TWO, THREE, FOUR TIMES A
 6 DAY, SO IF THERE WAS AN OPEN HOUSE OR
 7 SOMETHING WHERE THEY WERE SET UP TO DO
 8 INTERVIEWS WE WOULD COMMUNICATE HOW THEY
 9 WENT AND --
 10 Q. WHO AS A REGIONAL MANAGER,
 11 I'M TALKING ABOUT THAT TIME PERIOD, CAN
 12 YOU DESCRIBE FOR ME HOW THE PROCESS OF
 13 HIRING WORKED, YOU HAVE A VACANCY, IT
 14 NEEDS TO BE FILLED, DURING THAT TIME
 15 PERIOD WHAT WOULD BE THE FIRST STEP OF
 16 FILLING A VACANCY?
 17 A. IT WOULD DEPEND ON THE
 18 POSITION, IF IT WAS LIKE A CENTER MANAGER
 19 POSITION FIRST WE WOULD LOOK AT OUR
 20 INTERNAL CANDIDATES, IT'S ALWAYS BEST TO
 21 PROMOTE FROM WITHIN BECAUSE THE PERSON
 22 ALREADY UNDERSTANDS WHAT WE DO, HOW TO
 23 MOTIVATE THE CLIENT, THEY UNDERSTAND THE
 24 OPERATIONS OF A CENTER. SO WHENEVER

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1 POSSIBLE WE PROMOTE FROM WITHIN. IF IT'S
 2 A CENTER COUNSELOR POSITION WE WOULD RUN
 3 AN AD IN THE PAPER.
 4 Q. WERE YOU USING ELECTRONIC OR
 5 COMPUTERIZED RECRUITING SERVICES WHEN YOU
 6 WERE A REGIONAL MANAGER?
 7 A. I DO NOT BELIEVE SO.
 8 Q. WHAT IF IT WAS AN ASSISTANT
 9 MANAGER, WHAT WOULD BE THE FIRST STEP?
 10 A. SAME THING, LOOK FROM
 11 WITHIN, IF WE HAVE A REAL STRONG
 12 COUNSELOR THAT WE COULD PROMOTE, THAT
 13 WOULD BE THE FIRST.
 14 Q. I ASSUME LOOK FROM WITHIN
 15 REALLY WOULDN'T APPLY TO A MEDICAL
 16 ASSISTANT?
 17 A. NOT NECESSARILY.
 18 Q. IT WOULD?
 19 A. YES. WE'VE PROMOTED MEDICAL
 20 ASSISTANTS BECAUSE THEY DO MANY OF THE
 21 SAME DUTIES AS A SALES COUNSELOR, THE
 22 MAJORITY OF THEIR TIME IS APPROXIMATELY
 23 FIVE TO 10 PERCENT OF THEIR WORKWEEK.
 24 Q. BUT IF YOU WERE LOOKING TO

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1 FILL A VACANCY FOR MEDICAL ASSISTANTS YOU
 2 NEED SOMEBODY TO BE CERTIFIED?
 3 A. YES, FOR THAT POSITION
 4 ABSOLUTELY. YOU COULD ONLY HIRE A
 5 MEDICAL ASSISTANT FOR THAT BUT YOU COULD
 6 PROMOTE A MEDICAL ASSISTANT TO SOMEWHERE
 7 ELSE.
 8 Q. SO SOME OTHER POSITION?
 9 A. YES, CORRECT.
 10 Q. OKAY. IN THOSE SITUATIONS
 11 WHERE THERE WAS NO PROMOTION FROM WITHIN
 12 TO A CENTER MANAGER POSITION, WHAT WAS
 13 THE FIRST STEP?
 14 A. WE WOULD CONTACT HR TO LET
 15 THEM KNOW THAT WE NEEDED AN AD PLACED.
 16 Q. AND THEN WOULD HR PLACE THE
 17 AD?
 18 A. YES.
 19 Q. NOW AFTER -- SETTING ASIDE
 20 THE INTERNAL PROMOTION, YOU'RE AT THE
 21 STAGE NOW WHERE AN AD IS BEING PLACED.
 22 WELL, FIRST OF ALL, IF THERE WAS AN AD
 23 FOR A COUNSELOR VACANCY WOULD YOU CONTACT
 24 HR TO PLACE THAT AD TOO?

18 (Pages 66 to 69)

CHRISTIANE BURNARD

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1 A. I THINK IT WOULD BE PRIOR TO
2 THEM ACTUALLY DOING IT, EITHER WHERE IT
3 COMES OUT IN AN INTERVIEW YOU MIGHT SEE A
4 LITTLE BIT MORE OH, YOU DO OR LIKE SOME
5 SORT OF A REACTION AT THAT POINT. OR
6 WHEN YOU'RE MAKING A JOB OFFER THEY MAY
7 SAY AT THAT TIME IT'S NOT REALLY WHAT I
8 THOUGHT, I THOUGHT IT WAS MORE OF A
9 FITNESS COACHING KIND OF ENVIRONMENT.

10 Q. SO THE STATE -

11 A. OR DURING THE TRAINING,
12 TRAINING TRACK WHERE YOU'RE ACTUALLY
13 UNDERSTANDING EXACTLY WHAT WE DO THAT YOU
14 MIGHT HAVE MORE OF A REACTION OR I DON'T
15 WANT TO - I DON'T KNOW IF SQUEAMISH IS A
16 GOOD WORD BUT SOMETIMES THOSE THINGS MAKE
17 PEOPLE UNCOMFORTABLE.

18 Q. A CONCERN?

19 A. YES. SORT OF A WOMAN
20 TALKING ABOUT A MENSTRUAL CYCLE WITH
21 ANOTHER WOMAN IS NOT A BIG DEAL BUT WHERE
22 A MAN SOMETIMES GETS UNCOMFORTABLE, BUT
23 NOT ALWAYS.

24 Q. HAVE YOU FOUND THAT'S MORE

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1 FREQUENTLY A CONCERN AMONG MALE
2 CANDIDATES THAN FEMALES?

3 A. I THINK IT'S USUALLY A POINT
4 OF JUST KIND OF SHOCK IN THE BEGINNING
5 BUT IT'S NOT - IT'S, IT'S THEY'RE
6 PROFESSIONALS AND THEY'VE WORKED IN SOME
7 SORT OF RELATED EXPERIENCE, AGAIN, IF
8 WE'VE DONE OUR JOB HIRING USUALLY IT'S
9 NOT A CONCERN AND THEY CAN HANDLE IT
10 QUITE WELL AND QUITE PROFESSIONALLY.

11 Q. DO YOU RECALL ANY SPECIFIC
12 INSTANCES OF MALE CANDIDATES WITHDRAWING
13 FROM THE PROCESS AFTER BEING TOLD ABOUT
14 THIS ASPECT OF THE JOB OF MEASURING,
15 WEIGHING, DISCUSSING MENSTRUAL CYCLES?

16 A. I KNOW OF A FEW THAT HAD BUT
17 I CAN'T GIVE YOU SPECIFICS OF WHO THAT
18 PERSON WAS OR WHAT MARKET, SORRY.

19 Q. OKAY, JUST A FEW?

20 A. YES.

21 Q. DO YOU KNOW WHAT POSITIONS
22 THEY WERE APPLYING FOR?

23 A. IT WAS A CENTER, CENTER
24 LEVEL, CENTER MANAGER ON DOWN.

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1 Q. IN YOUR EXPERIENCE IS THE
2 WEIGHING AND THE MEASURING AND -- WELL,
3 LET ME ASK IT TO YOU THIS WAY.

4 DO AREA SUPERVISORS WEIGH
5 AND MEASURE CLIENTS?

6 A. YES, I STILL DO AT MY
7 POSITION.

8 Q. DO THEY DO IT ON A DAILY
9 BASIS?

10 A. YES.

11 Q. AREA SUPERVISORS DO?

12 A. YES.

13 Q. DO THEY COUNSEL CLIENTS?

14 A. YES.

15 Q. ON A DAILY BASIS?

16 A. YES.

17 Q. WHAT ABOUT TRAINERS?

18 A. WHEN THEY'RE NOT IN THE
19 CLASSROOM THAT'S A PART OF THEIR JOB
20 DESCRIPTION IS TO WORK IN A CENTER TO
21 KEEP THEIR SKILLS SHARP.

22 Q. HOW MUCH OF AN AREA
23 SUPERVISOR'S DAY IN YOUR EXPERIENCE IS
24 SPENT COUNSELING CLIENTS?

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1 A. WELL, WE NONE OF US REALLY
2 HAVE TRUE OFFICES AND THE OFFICES THAT WE
3 HAVE ARE, WOULD BE ME, I KNOW MICHELLE
4 BLUM HAS AN OFFICE IN HER UTICA CENTER,
5 BUT WE'RE IN A CENTER, EVERY SINGLE DAY.
6 TO SAY THE PORTION OF THEIR DAY I WOULD
7 SAY IT WOULD BE MAYBE 25 PERCENT TO
8 50 PERCENT, IT DEPENDS IF THE CENTER IS
9 FULLY STAFFED OR IF IT'S JUST A VERY BUSY
10 TIME THEN WE HELP OUT.

11 Q. AND THESE ARE AREA
12 SUPERVISORS YOU'RE TALKING ABOUT?

13 A. YES.

14 Q. WELL WHAT OTHER THAN
15 COUNSELING CLIENT'S WHAT OTHER DUTIES
16 DOES AN AREA SUPERVISOR HAVE?

17 A. THEY WEAR ALL HATS, WHATEVER
18 IS NEEDED. LIKE I SAID, IN MY POSITION I
19 WAS CLEANING BATHROOMS LAST WEEK,
20 WHATEVER NEEDS TO BE DONE, HIRING,
21 COACHING, CONGRATULATING, HELPING TO SET
22 UP FOR AN OPEN HOUSE. PERHAPS DEALING
23 WITH A CLIENT WHO HASN'T BEEN LOSING AT
24 TWO POUNDS PER WEEK MAKING ANY

43 (Pages 166 to 169)

CHRISTIANE BURNARD

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1 DETERMINED OR WAS THAT SOMETHING THAT'S
2 BEEN COMMUNICATED TO YOU?
3 A. NO, IT'S JUST SOMETHING
4 THROUGHOUT THAT PEOPLE WHO DO WELL ON
5 YOUR TEAM YOU SEE THEIR PERFORMANCE IT'S
6 BECAUSE THEY INITIALLY UNDERSTAND IT AND
7 GET WHAT YOU DO, THERE'S NO RAMP-UP
8 PERIOD WHERE YOU'RE TEACHING THEM THIS IS
9 WHAT YOU'RE TRYING TO PULL OUT OF THIS,
10 THEY UNDERSTAND IT BECAUSE THEY'VE DONE
11 IT IN THE PAST.

12 Q. DO YOU KNOW OF ANY EMPLOYEES
13 WHO HAVE BEEN SUCCESSFUL AT LA WEIGHT
14 LOSS WHO DID NOT HAVE THAT KIND OF
15 EXPERIENCE BEFORE THEY CAME TO LA WEIGHT
16 LOSS?

17 A. SURE.

18 Q. YOURSELF?

19 A. MYSELF, EXACTLY.

20 Q. OTHER PEOPLE AS WELL?

21 A. YES.

22 Q. BECAUSE THE INNER PERSONAL
23 ASPECT IS REALLY THE MOST CRITICAL,
24 CORRECT?

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1 A. ABSOLUTELY.

2 Q. CURRENTLY IS THERE ANY
3 EDUCATIONAL REQUIREMENT FOR ASSISTANT
4 MANAGERS?

5 A. I DON'T BELIEVE SO.

6 Q. ANY OTHER FACTORS THAT ARE
7 CONSIDERED IN A GOOD CANDIDATE OTHER THAN
8 WHAT YOU'VE ALREADY TALKED ABOUT?

9 A. NO. LIKE I SAID, IT'S NOT

10 BASED ON WHO HAS THE MINIMUM TO GET THE
11 JOB WE NEVER HIRE THAT WAY BECAUSE YOU
12 WOULD HAVE FAILING BUSINESSES LEFT AND
13 RIGHT, WE LOOK TO HIRE SUCCESSFUL PEOPLE
14 AND IT'S ALL COMMUNICATION. AND YOU HAVE
15 TO BE A LIKABLE PERSON, YOU HAVE TO BE
16 SOMEONE THAT CAN CONNECT QUICKLY WITH
17 SOMEONE THAT YOU DON'T KNOW AND BE ABLE
18 TO JUST START ENGAGING IN A CONVERSATION
19 AND THAT'S, IT'S CRUCIAL.

20 Q. THESE CURRENT THINGS THAT
21 YOU'VE DISCUSSED, BASICALLY THE SAME
22 FACTORS THAT YOU CONSIDER AS A COUNSELOR
23 BECAUSE PLUS YOU LIKE TO SEE SOME FORM OF
24 COMMISSION SALES AND MANAGEMENT OF ONE OR

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1 MORE PEOPLE. DO YOU KNOW IF THAT'S EVER
2 BEEN DIFFERENT IN THE PAST, HAVE THERE
3 BEEN ANY FEWER OR ANY MORE CONSIDERATIONS
4 WHEN HIRING AN ASSISTANT MANAGER?

5 A. NO.

6 Q. SO THAT'S BEEN CONSISTENT
7 THROUGHOUT YOUR EXPERIENCE AT THE
8 COMPANY?

9 A. I BELIEVE THAT TO BE TRUE.

10 Q. CENTER MANAGER, YOU KNOW
11 WHAT'S COMING?

12 A. YES.

13 Q. SAME PATTERN OF QUESTIONS.
14 IS THERE ANY FACTORS THAT ARE CONSIDERED
15 TO BE THE COMPANY LOOKS FOR IN A GOOD
16 CANDIDATE FOR CENTER MANAGER?

17 A. CENTER MANAGER IS A VERY
18 IMPORTANT POSITION BECAUSE YOU ARE
19 RESPONSIBLE FOR EVERYTHING WITHIN THOSE
20 FOUR WALLS, SO I'M LOOKING FOR A LEADER,
21 SOMEBODY THAT DEMONSTRATES LEADERSHIP
22 ABILITIES, WHETHER IT WAS IN THEIR PAST
23 JOBS, OR THEY CAN, YOU KNOW, ANY
24 RECOMMENDATIONS THAT THEY MIGHT BRING TO

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1 THE TABLE AS WELL AS SOMEBODY WHO THAT
2 WHO'S PROFESSIONAL, WHO'S NOT GOING TO
3 USE NASTY LANGUAGE IN THE CENTER.
4 SOMEBODY WHO'S GOING TO BE ABLE TO
5 CONDUCT THEMSELVES IN AN APPROPRIATE
6 MANNER WHILE YOU'RE DEALING WITH CLIENTS
7 EVERY SINGLE DAY. IT'S NOT, YOU KNOW, A
8 CLOSED OFFICE, IT'S YOU'RE DEALING WITH
9 PEOPLE ALL DAY LONG. YOU MAY SEE 150 TO
10 200 CLIENTS A DAY AND YOU NEED SOMEBODY
11 THAT'S GOING TO BE ABLE TO CONTINUE THAT
12 PACE AND BE CONSTANTLY PROFESSIONAL,
13 MOTIVATING, AS WELL AS ABLE TO DELEGATE
14 AUTHORITY. SOMEONE THAT'S GOING TO BE
15 ABLE TO UNDERSTAND THE SALE, BE ABLE TO
16 CLOSE THE SALE, AS WELL AS DEVELOP THEIR
17 PEOPLE AND BE ABLE TO GIVE THE BEST
18 SERVICE.

19 Q. SO WE'RE LOOKING FOR SOMEONE
20 WHO HAS DEMONSTRATED LEADERSHIP ABILITY?

21 A. YES.

22 Q. SOMEBODY WHO'S PROFESSIONAL
23 IN THEIR APPEARANCE AND IN THEIR DEALINGS
24 WITH OTHER PEOPLE, CORRECT?

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CHRISTIANE BURNARD

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1 A. CORRECT.

2 Q. SOMEBODY WHO CAN MOTIVATE
3 AND SOMEBODY WHO CAN DELEGATE AUTHORITY
4 EFFECTIVELY?

5 A. CORRECT.

6 Q. SOMEBODY WHO CAN DEVELOP
7 PERSONNEL IN THE CENTER, SOMEBODY WHO CAN
8 CLOSE A SALE THEMSELVES?

9 A. ABSOLUTELY.

10 Q. AND TEACH OTHERS TO DO THE
11 SAME?

12 A. YES.

13 Q. HOW DO YOU DETERMINE WHETHER
14 SOMEBODY HAS THOSE ABILITIES?

15 A. THEIR PAST PERFORMANCE IS
16 MANY TIMES AN EXCELLENT INDICATOR OF
17 THAT.

18 Q. AND WHAT DO YOU LOOK AT IN
19 TERMS OF THEIR PAST PERFORMANCE?

20 A. I LOOK FOR TEAM BUILDING,
21 TELL ME ABOUT YOUR TEAM, HOW WOULD YOU
22 MOTIVATE YOUR TEAM. IF I WERE TO CALL
23 THEM RIGHT NOW WHAT WOULD THEY TELL ME
24 ABOUT YOU. IF I WERE TO CALL YOUR

1 XEROX?

2 A. TECHNICAL, EXACTLY. THAT'S
3 ABSOLUTELY NOT WHAT WE ARE. I MEAN WE
4 ONLY JUST GOT COMPUTERS LIKE THREE YEARS
5 AGO SO SOMEBODY WHO IS IN THE TECHNICAL
6 INDUSTRY WOULD PROBABLY GO CRAZY IN OUR
7 INDUSTRY. BUT I'M LOOKING FOR SOMEBODY
8 THAT IS, WORKS WITH PEOPLE AND TEAMS
9 EVERY SINGLE DAY AND THEY'RE CONSTANTLY
10 COMMUNICATING AND WHATEVER SITUATION
11 ARISES YOU'RE ABLE TO HANDLE THAT QUICKLY
12 INSTEAD OF, YOU KNOW, BEHIND AN OFFICE
13 DOOR.

14 Q. DOES IT MAKE A DIFFERENCE
15 WHAT INDUSTRY THE PERSON, IF THAT'S WHAT
16 YOU'RE ASSESSING, THAT SORT OF
17 FACE-TO-FACE LEADERSHIP TYPE MANAGEMENT,
18 THAT SORT OF DAILY INTERACTION, DOES IT
19 MAKE A DIFFERENCE WHAT INDUSTRY THE PERSON
20 HAS MANAGEMENT EXPERIENCE IN?

21 A. LIKE I SAID, NOT NECESSARILY
22 BUT IF IT'S SOMETHING THAT'S VERY
23 TECHNICAL SOMETHING THAT'S ABSOLUTELY NOT
24 RELEVANT TO WHAT WE DO, I MEAN THAT -- I

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1 SUPERVISORS WHAT WOULD THEY TELL ME ABOUT
2 YOU. I ALSO LOOK TO SEE IF THE PERSON
3 MAYBE WAS PROMOTED WITHIN THEIR PAST JOBS
4 BECAUSE OBVIOUSLY THAT SHOWS LEADERSHIP.

5 Q. ANYTHING ELSE?

6 A. I THINK THAT'S IT.

7 Q. WHEN YOU'RE LOOKING AT THE
8 PERSON'S -- CAN YOU ASSESS ANY OF THESE
9 THINGS FROM LOOKING AT A PERSON'S RESUME
10 OR JOB APPLICATION?

11 A. SOMETIMES, YES.

12 Q. WHAT IS THAT YOU LOOK TO ON
13 THE APPLICATION OR RESUME TO MAKE THAT
14 ASSESSMENT?

15 A. MANY TIMES PEOPLE MIGHT HAVE
16 MANAGEMENT EXPERIENCE BUT IT MIGHT BE A
17 CLOSED DOOR MANAGEMENT, WHAT I MEAN BY
18 THAT IS THEY MAY WORK IN THEIR OFFICE,
19 WORK ON THEIR COMPUTER, OCCASIONALLY HAVE
20 CONTACT MAYBE VIA ON THE PHONE WITH
21 SOMEONE, THAT'S NOT THE CONTACT I'M
22 LOOKING FOR. I'M NOT LOOKING FOR
23 SOMEBODY WHO IS A MANAGER OF --

24 Q. TECHNICAL PUBLICATION,

1 MEAN IF YOU HAVE A POOL OF APPLICANTS I
2 MEAN IF YOU WERE DECIDING ON WHO IS
3 COMING IN, SURE, IF SOMETHING WAS TOTALLY
4 IRRELEVANT AND YOU HAVE A LOT OF RELEVANT
5 I THINK YOU WOULD GO WITH THE ONE THAT'S
6 RELEVANT TO WHAT YOU DO.

7 Q. ARE THE RELEVANT THINGS THE
8 THINGS THAT YOU JUST MENTIONED EARLIER?

9 A. THOSE ARE THE ONES THAT ARE
10 -- I MEAN I PREFER THOSE BECAUSE IT'S
11 SOMETHING THAT'S A QUICK, NATURAL, JUMP
12 BUT IT'S NOT, IT'S NOT AN INDICATOR, LIKE
13 I SAID, WE DON'T HIRE BASED ON MINIMUM
14 REQUIREMENTS.

15 Q. IN YOUR EXPERIENCE THE
16 THINGS THAT YOU'RE LOOKING FOR IN A
17 CENTER MANAGER, I MEAN, ARE YOU ABLE TO
18 MAKE THAT DETERMINATION SOLELY FROM
19 LOOKING AT THE PAPER, THE APPLICATION AND
20 THE RESUME? I MEAN OBVIOUSLY YOU CAN
21 TELL IF SOMEONE'S HAD MANAGEMENT
22 EXPERIENCE OR NOT?

23 A. RIGHT.

24 Q. IT'S ON THE PAPER.

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